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May 22, 2023

VIA ECF

Hon. Jesse M. Furman, U.S.D.J.
United States District Court for the
Southern District of New York
40 Centre Street, Room 2202
New York, New York 10007

RE: Juan A. Molina v. John Jay Institute for Justice and Opportunity, et al.
No. 23-cv-1493 (JMF)

Dear Judge Furman:

This firm represents defendants Research Foundation of The City University of New York (incorrectly named herein as “Research Foundation for CUNY”), Susan Batkin and Katheryne Ralph (collectively, the “RFCUNY Defendants”). We write, pursuant to Section 2(E) of Your Honor’s Individual Rules and Practices in Civil Cases, for (i) an extension of time for the RFCUNY Defendants to respond to plaintiff Juan A. Molina’s Complaint, and (ii) an adjournment of the Initial Conference in this matter until after the RFCUNY Defendants respond to the Complaint.

At present, RFCUNY’s deadline to respond to the Complaint is May 26, 2023, and Ms. Batkin’s deadline to respond to the Complaint is May 25, 2023. As to Ms. Ralph, the docket states that her response to the Complaint is due on May 26, 2023, but she has not been served. While Plaintiff has filed an Affidavit of Service purporting to “personally” serve Ms. Ralph (see ECF Doc. No. 31), Ms. Ralph has not been personally served and Plaintiff has left the spaces designated for the date and location of personal service blank. Plaintiff also checked a box in his Affidavit of Service indicating that he served the summons on Ryan McAuliffe, Esq., an RFCUNY employee, who Plaintiff states is “designated by law to accept service of process on behalf of Research Foundation for CUNY.” Mr. McAuliffe, however, is not designated by law to accept service on behalf of Ms. Ralph.

Regardless, Ms. Ralph intends to waive service which would entitle her to a 60-day extension of time to respond to the Complaint. The RFCUNY Defendants each request a 60-day extension of time to respond to the Complaint up to and including **July 24, 2023**, so that

Hon. Jesse M. Furman, U.S.D.J.
May 22, 2023
Page 2 of 2

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each of the RFCUNY Defendants are required to respond to the Complaint on the same date. This is the RFCUNY Defendants' first request for an extension of time to respond to the Complaint and Plaintiff consents to this request. We request this extension of time because the undersigned is currently preparing for trial in another matter pending in this Court (*Melina Jacobs, et al. v. Verizon Communications, Inc., et al.*, No. 16-cv-1082 (PGG) (RWL)) as well as several other litigation conflicts.

The RFCUNY Defendants also request that the Initial Conference currently scheduled for June 13, 2023 (ECF Doc. No. 5) be adjourned until after such time that the RFCUNY Defendants have responded to the Complaint. This is the RFCUNY Defendants' first request to adjourn the Initial Conference. Plaintiff's counsel does not consent to this request and has informed us that she "would prefer for us to move forward with the Initial Conference." The RFCUNY Defendants request an adjournment of the Initial Conference for the same reasons outlined above (*i.e.*, a conflicting trial in the *Jacobs* matter) and to preserve the Court's initially-ordered sequence of events so that the Initial Conference takes place shortly after the various defendants' responses to the Complaint are due.

Thank you for your consideration of this request. Should Your Honor have any questions, we can be made available at the Court's convenience.

Respectfully submitted,

/s/ Christopher J. Moro

Christopher J. Moro

cc: All counsel of record